

REMARKS/ARGUMENTS

This Response is filed concurrently with a request for a three-month extension of time and a request for continued examination. Therefore, it is submitted that this response is timely and properly filed.

Claim 17

In the Office Action, the Examiner rejected claim 17 under 35 U.S.C. 103(a) as being unpatentable over Ivarson et al. in view of Gausling et al., and further in view of Godshaw.

In summary, in the Office Action, the Examiner noted that the prior art discloses the following features.

- Ivarson et al. discloses a backpack having a bottom that is angled upwards in a direction away from the back-facing face.
- Gausling et al. discloses a backpack having a semi-rigid bottom board, and top straps extending from the backpack's shoulder strap over the top of the backpack.
- Godshaw discloses a pack that has support straps extending over the top of the pack which further include separation clips.

The Examiner stated that it would have been obvious to one having ordinary skill in the art to provide rigidity along the bottom surface of Ivarson et al. by implementing a semi rigid board along the bottom surface as taught by Gausling et al., and to provide top straps on the top of the backpack of Ivarson et al. as taught by Gausling et al. The Examiner further stated that it would have been obvious to one having ordinary skill in the art to include separation clips on the top straps of the modified Ivarson et al. backpack, as taught by Godshaw.

Referring to Figure 1 of Gausling et al., a prior art backpack 100 is shown wherein the straps 110 of the backpack attach to the body of the backpack at point 106, which is adjacent a back facing face of the backpack 100. Gausling et al. states that this configuration "causes point 106 to act as a sort of hinge or pivot point, causing the backpack body 100 to impinge on the wearer's back as shown near point 106" (Col. 3, Lines 54-56). Gausling et al. further states that "the bookpack of the present invention remedies the problems caused by typical bookpacks such as that shown in Figure 1" (Col. 4, Lines 5-7). Accordingly Gausling et al. teaches a design that, according to Gausling et al., will mitigate the backpack body "imping[ing] on the wearer's back as shown near point 106".

The backpack of Gausling et al. comprises a strap assembly, which includes a top strap 600, which is connected to a shoulder strap 300, which is connected to a side support member 400. The side support member 400 has a proximal end which "is affixed to body 200 at the second juncture or seam 214" (Col. 6, Line 27-28). Seam 214 is shown in Figure 2 and is adjacent the back-facing face 208. Therefore, as shown in Figure 3, the strap assembly is connected to the bottom of the backpack at an away facing face of the backpack. Gausling et al. states that the position at which the side strap is connected to the body of the backpack can be moved – but only by a matter of inches:

"As long as the proximal end 410 of side strap 400 is connected to the body of bag 200 in the vicinity of second juncture 214, or even some distance as far as two to three inches or more in any direction away from such seam 214, various adjustment and fastening configurations and designs, such as described above and as are well known in the art, are within the scope of the invention" (emphasis added, Col. 7, Lines 6-12).

Thus, Gausling et al. clearly and explicitly teaches that the straps disclosed therein must be attached to the backpack in the vicinity of an away facing face of the backpack.

As noted by the Examiner, Gausling et al. further provides the backpack with a rigid pack body bottom side 204, which "provides added support and ergonomic utility to the

backpack" (Col. 7, Lines 13-15). The bottom board and the straps form part of an assembly that removes the hinge point that Gausling et al. describes as a problem with the prior art. In particular, at column 12, lines 2 – 28, Gausling et al. states as follows:

"Each of the various top straps, side straps and bottom straps act not only to move the CG 910 up and in towards the wearer's body, but they each significantly redistribute the load borne by the wearer's shoulders via the shoulder straps 300 along a longer portion of the wearer's body and back as well.

In particular, and as shown in FIG. 7, side straps 400, connected through their distal ends 420 to the distal ends of shoulder straps 300, act to redirect the load of the backpack body 200 in the direction of the side straps 400. The CG 910 is now located between the wearer's body and second seam 214 where the side member proximal end 410 of strap 400 attaches to backpack body 200, redirecting the load in the direction of the straps 400. Accordingly, the "hinge point" of conventional backpacks is effectively removed. This helps to distribute the weight of the backpack more evenly around the strap and across the back as shown in FIG. 9."

"The rigid bottom, either by way of a bottom side 204 having a higher stiffness than the other panels, or by way of (or in addition to) a bottom strap or member 500, also adds to the functionality of the present invention. As previously discussed, a rigid body bottom helps to maintain the square shape of the backpack body 200 by lifting and directing the load towards the wearer's body and shoulders. In addition, side straps 400 also serve to increase the overall rigidity of the lower portion of the backpack body 200, and works quite effectively in conjunction with the rigid bottom to serve this purpose." (emphasis added)

Thus, Gausling et al. teaches that the side straps, which attach to the away-facing face, are used together with the rigid bottom to effectively remove the "hinge point of

conventional backpacks". Further Gausling et al. states that various designs are within the scope of the claims "as long as the proximal end 410 of side strap 400 is connected to the body of bag 200 in the vicinity of second juncture 214" (i.e. in the vicinity of the away facing face).

In the Office Action, the Examiner stated that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide rigidity along the bottom surface of the Iverson et al. backpack by implementing a semi-rigid bottom board along the bottom surface, as taught by Gausling et al., in order to provide additional support and ergonomic utility to the backpack." The Examiner further stated that it would have also been obvious to provide the support straps on top of the backpack of Iverson et al.

Accordingly, Applicant notes that the Examiner suggests that a person skilled in the art would provide the backpack of Iverson et al. with both the rigid bottom of Gausling et al. and the top straps. However, as set out hereinbefore, Gausling et al. states in column 12 the benefit of using the straps and the board together. Accordingly, Applicant submits that if the person skilled in the art would use the top strap, they would also use the side straps of Gausling et al., as Gausling et al. specifically teaches that the rigid bottom and the side straps work in conjunction with each other. Furthermore, Applicant submits that the person skilled in the art would attach the side straps to the backpack body in the vicinity of the away facing face, as Gausling et al. in view of the statements made in Gausling et al.

Claim 17 as amended provides that the second end of the shoulder strap is connected to the backpack body at a first end point proximate the top of the backpack body and a second end point proximate the bottom of the backpack body, wherein the second end point is adjacent the back-facing face. Therefore, contrary to the teaching of Gausling et al., the second end point of the shoulder strap is attached to the backpack body adjacent the back-facing face. As noted hereinabove, Gausling et al. shows that lower

end of the shoulder strap being affixed to the away-facing face and explains why this assembly works to essentially remove the hinge point. As such, Applicant submits that even if a person skilled in the art were to combine the references as suggested by the Examiner, which is not admitted, the backpack of claim 17 would not be obtained since the shoulder strap would not be affixed as set out in claim 17. Accordingly, claim 17 is patentable over Ivarson et al. in view of Gausling et al., and further in view of Godshaw.

Claim 22

In the Office Action, the Examiner stated that claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ivarson et al. in view of Gausling et al., and further in view of Godshaw.

In the backpack of Gausling et al., the strap assembly includes shoulder straps 300, which are connected to top straps 600 at their proximal end, and side support members 400 at their distal end. The top straps 600 connect at one end to the backpack body, and at the other end to the shoulder straps 300. Gausling et al. discusses several advantages of the configuration of the top straps, and clearly states that the "top straps...keep the backpack body square along the top." (Col. 12, Lines 41-44), and that they "redirect the forces acting on the shoulder straps 300 along the top straps 600, again reducing the load placed on the wearer's shoulders" (Col 12, Lines 44-47). Gausling et al. show in any Figure an embodiment wherein the top straps are adjustable in length. Rather, adjustment of the length of the strap assembly of Gausling et al. is provided by a buckle 422 disposed in side support member 400, which allows the length of side support member 400, and therefore the length of the shoulder strap, to be adjusted.

Regarding the strap assembly, Gausling et al. states that "the load borne by the wearer through the shoulder straps 300...is more evenly spread throughout the length of straps 300 than the conventional backpack of Fig. 1" (Col. 11, Line 63-67). Furthermore, Gausling et al. states (with emphasis added):

"Such an even weight distribution is a direct function of the various features and advantages of the present design. Each of the various top straps, side straps, and bottom straps act not only to move the CG 910 up and in towards the wearer's body, but they are each significantly redistribute the load borne by the wearer's shoulders via the shoulder straps 300 along a longer portion of the wearer's body and back as well."
(emphasis added, Col 12, Lines 1-7)

In the Office Action, the Examiner stated that it would have been obvious to one having ordinary skill in the art to provide top straps on the top of the backpack of Ivarson et al. as taught by Gausling et al. As argued with respect to claim 17, Applicant submits that if a person of skill in the art were to provide the backpack of Ivarson et al. with the top straps of Gausling et al, the person of skill in the art would provide the entire strap assembly of Gausling et al. to the backpack of Ivarson et al., as Gausling et al. clearly outlines the advantages provided by the strap assembly as a whole.

In the modified backpack of Ivarson et al. as suggested by the Examiner, the top straps would extend over the closure member. The Examiner stated that it would have been obvious to one having ordinary skill in the art to include separation clips on the top straps of the modified Ivarson et al. backpack, as taught by Godshaw. The Examiner further stated that the addition of these clips effectively transforms the support straps into adjustable cinch straps (page 6, lines 3-5 of the Office Action).

Applicant submits that even if one skilled in the art would include separation clips on the top straps of the modified Ivarson et al backpack, one skilled in the art would not use a connection that permits the length of the top straps to be adjusted, regardless of whether the length of a strap attached to a separation clip of Godshaw is adjustable. The separation clip and the attachment of a strap to a separation clip are separate elements. The top straps of Gausling et al. are clearly fixed in length, and adjustment of the length of the shoulder strap assembly is provided by a buckle in the side support

member. Gausling et al. discloses several advantages of this configuration, as outlined hereinabove. One skilled in the art would appreciate that Gausling discloses an entire system and not a system wherein only elements may be used to essentially remove the "hinge point". It would be within the ability of a person skilled in the art to secure a strap to a separation clip without the strap being length adjustable. As such, if a person skilled in the art were to use a separation clip in the suggested modification of Iverson et al., the person would use the separation clip but not make the top strap length adjustable.

Claim 22 specifies that the strap cinch strap has a first end that is on the backpack body and a second end that is on the at least one shoulder strap and extends over the closure member, wherein the at least one shoulder strap cinch strap is adjustable in length.

As stated hereinabove, if a person skilled in the art modified the backpack of Iverson et al. as taught by Gausling et al., the modified backpack would comprise cinch straps that are fixed in length and adjustable side support members. Even if a person skilled in the art added the separation clips of Godshaw to the modified backpack of Iverson et al, the person skilled in the art would not make the cinch straps adjustable, as this would alter the functionality of the strap assembly system of Gausling et al. and Gausling et al. already provides adjustability of the shoulder strap assembly. Thus, Applicant submits that amended claim 22 is not obvious over Iverson et al. in view of Gausling et al., and further in view of Godshaw.

Claim 30

In the Office Action, the Examiner stated that claim 30 was rejected under 35 U.S.C. 102(b) as being anticipated by Fier (5,529,229).

Claim 30 has presently been amended to include the limitations of claims 33 and 36. In the Office Action, claims 33 and 36 were rejected under 35 U.S.C. 103(a) as being

unpatentable over Ivarson et al. in view of Gausling et al., and further in view of Godshaw.

Claim 33 is directed to a semi-rigid angled bottom board, and claim 36 is directed to a cinch strap that is adjustable in length. These limitations were already discussed hereinabove with respect to claim 22. Accordingly, Applicant repeats and reiterates the arguments applied hereinabove to claim 22, and submits that amended claim 30 is patentable over the prior art.

Claim 47

In the Office Action, the Examiner stated that claim 47 was rejected under 35 U.S.C. 102(b) as being anticipated by Fier (5,529,229).

Claim 47 has presently been amended to specify that the backpack includes a bottom board positioned at said bottom, and that the at least one shoulder strap extends between a first end point proximate the top of the backpack body and a second end point proximate the bottom of the backpack body, wherein the second end point is adjacent the back-facing face.

The limitations that have presently been added to claim 47 were discussed hereinabove with respect to claim 17. Accordingly, Applicant repeats and reiterates the arguments applied hereinabove with respect to the patentability of claim 17, and submits that amended claim 47 is patentable over the prior art.

Claims 18, 19, 37-40, and 52

In the Office Action, the Examiner rejected claims 18, 19, and 37-40 under 35 U.S.C. 103(a). Claims 18, 19, and 37-40 are dependent on claim 17, and thus the forgoing arguments apply equally thereto.

Claim 52 is new, and is dependent on claim 17, and is allowable for at least this reason. Furthermore, as claim 52 recites a cinch strap that is adjustable in length, Applicant repeats and reiterates the arguments that were applied hereinabove to claim 22.

Accordingly, Applicant submits that claims 18-19, 37-40, and 52 are in condition for allowance.

Claims 3, 23, 24, 26-29, 41-43, and 53

In the Office Action, the Examiner rejected claims 3, 23, 24, 26-29, and 41-43 under 35 U.S.C. 103(a). Claims 3, 23, 24, 26-29, and 41-43 are dependent on claim 22, and thus the forgoing arguments apply equally thereto.

Claim 53 is new, and is dependent on claim 22, and is allowable for at least this reason. Furthermore, claim 53 is directed to a shoulder strap that is connected to the backpack body adjacent the back-facing face. As such, Applicant repeats and reiterates the arguments that were applied hereinabove to claim 17.

Accordingly, Applicant submits that claims 3, 23-24, 26-29, 41-43, and 53 are in condition for allowance.

Claims 31, 32 -36, 44-46, and 54

In the Office Action, the Examiner rejected claims 31, 32-36, and 44-46 under one of 35 U.S.C. 102(b) and 35 U.S.C. 103(a). Claims 31, 32, 34, 35, and 44-46 are dependent on claim 30, and thus the forgoing arguments apply equally thereto. Claims 33 and 36 have presently been cancelled.

Claim 54 is new, and is dependent on claim 30, and is allowable for at least this reason. Furthermore, claim 54 is directed to a shoulder strap that is connected to the backpack

body adjacent the back-facing face. As such, Applicant repeats and reiterates the arguments that were applied hereinabove to claim 17.

Accordingly, applicant submits that claims 31, 32, 34, 35, 44-46, and 54 are in condition for allowance.

Claims 48-51

In the Office Action, the Examiner rejected claims 48-51 under one of 35 U.S.C. 102(b) and 35 U.S.C. 103(a). Claims 48-51 are dependent on claim 47, and thus the forgoing arguments apply equally thereto. Accordingly, applicant submits that claims 48-51 are in condition for allowance.

Summary

Applicant respectfully submits that the claims are now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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